



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Madeleine Morelos*

Date:

*May 22, 2006*

MAIL STOP PETITION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Brian Smyth

§

§

§

Conf. No.: 6765

§ Group Art Unit: 2616

§

Appln. No.: 10/611,494

§ Examiner: Chi H. Pham

§

Filing Date: June 30, 2003

§ Attorney Docket No.: 600754-3U1

§

Title: METHOD OF CREATING A VIRTUAL TRAFFIC NETWORK

**PETITION TO MAKE SPECIAL PURSUANT  
TO 37 C.F.R. § 1.102(d)**

Applicants hereby petition the Commissioner to make this Application special because of an actual infringement of the presently pending claims. This Petition is made pursuant to 37 C.F.R. § 1.102(d) and Manual of Patent Examining Procedure (MPEP) § 708.02(II).

05/26/2006 TBESHAW1 00000012 10611494

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130.00 OP

**Memorandum in Support of Petition**

The applicable rule, 37 C.F.R. § 1.102(d), provides that an application will be made special, and thereby advanced out of turn for examination, based on an actual infringement of the presently pending claims.

MPEP § 708.02(II) provides that an application may be made special if it can be shown:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

In the matter of the present application:

(A) The enclosed “Statement of Jonathan K. Agree in Support of Petition to Make Special because of an Actual Infringement (MPEP § 708.02)” sets forth that there is an infringing product actually on the market and that the device is running a software application that implements a system and a method which is also infringing at least some claims of the present application as currently pending. Specifically, the statement asserts that the Curious Traffic Flow solution shown and described in the Appendix of the statement, and made by Curious Software, is being commercially used in the United States. The Curious Traffic Flow solution creates a virtual traffic network by inputting map data representing a road system, inputting flow data related to traffic flow on the road system, and integrating the map data and the flow data to produce a virtual traffic network that represents traffic conditions on the road system. The Appendix provides screen shots and text that illustrate and describe the Curious Traffic Flow solution.

(B) I, as Applicants' undersigned representative agent, have made a rigid comparison of the alleged infringing Curious Software product with the claims of the present application, as presently pending, and at least some of the claims are unquestionably infringed.

(C) Lastly, the enclosed Statement of Jonathan Agree sets forth that at least one of the named inventors has a good knowledge of the pertinent art, and that to his knowledge, there are no more relevant references available than already described in the Background of the Invention section of the present application and the references presently of record in the present patent application.

The Petition fee under 37 C.F.R. 1.17(h) is being paid by a check in the amount of \$130.00 enclosed herewith.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (Billing No. 600754.0006) for any deficiencies or overpayments in the above-calculated fee.

Thus, the present application plainly meets the standard for making an application special and such action is respectfully requested.

Respectively submitted,

Brian Smyth *et al.*

May 22, 2006 By: Clark Jabol  
(Date) CLARK A. JABLON  
Registration No. 35,039  
AKIN GUMP STRAUSS HAUER & FELD LLP  
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Philadelphia, PA 19103-7013  
Telephone: 215-965-1200  
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Facsimile: 215-965-1210  
E-Mail: cjabol@akingump.com

Enclosures (1. Statement of Jonathan K. Agree in Support of Petition...,  
2. CD-ROM containing two PDF files with color copies of Appendix pages 2 and 3,  
both of which depict integrated map data and traffic flow data.)

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BY:

Date:

*Yadly Mireles*



MAIL STOP PETITION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Brian Smyth

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Conf. No.: 6765

§ Group Art Unit: 2616

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Appln. No.: 10/611,494

§ Examiner: Chi H. Pham

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Filing Date: June 30, 2003

§ Attorney Docket No.: 600754-3U1

§

Title: METHOD OF CREATING A VIRTUAL TRAFFIC NETWORK

**STATEMENT OF JONATHAN K. AGREE IN SUPPORT OF PETITION TO MAKE  
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

I hereby declare as follows:

1. I am the same Jonathan K. Agree who is a joint inventor of the invention described and claimed in U.S. Patent Application No. 10/611,494 ("the present application").

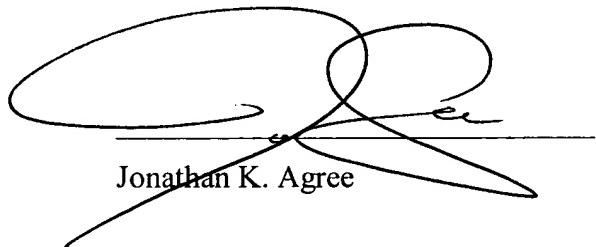
2. The subject matter of each of currently pending claims 1-80 in the present patent application referenced above, was invented by myself and the nine joint inventors listed on the originally filed Declaration.

3. I am currently the Vice President, Television Division, for Traffic.com, Inc. ("Traffic.com"), the assignee of the present application, and I have worked for Traffic.com (formerly called "Mobility Technologies") since 2001. Traffic.com is a developer of software that creates virtual traffic networks.

4. I have at least a good knowledge of the pertinent art, and to my knowledge, there are no more relevant references available than the references already described in the Background of the Invention section of the present application and the references presently of record in the present patent application.

5. I submit that there is an infringing product actually on the market and the infringing product is running a software application that implements a method and system which infringes the claims of the present application as currently pending. Specifically, the Curious Traffic Flow solution made by Curious Software is being commercially used in the United States. Referring to exemplary claim 1 of the present application, the Curious Traffic Flow solution creates a virtual traffic network by inputting map data representing a road system, inputting flow data related to traffic flow on the road system, and integrating the map data and the flow data to produce a virtual traffic network that represents traffic conditions on the road system. The Appendix provides screen shots and text that illustrate and describe the Curious Traffic Flow solution.

Date: 5/3/06



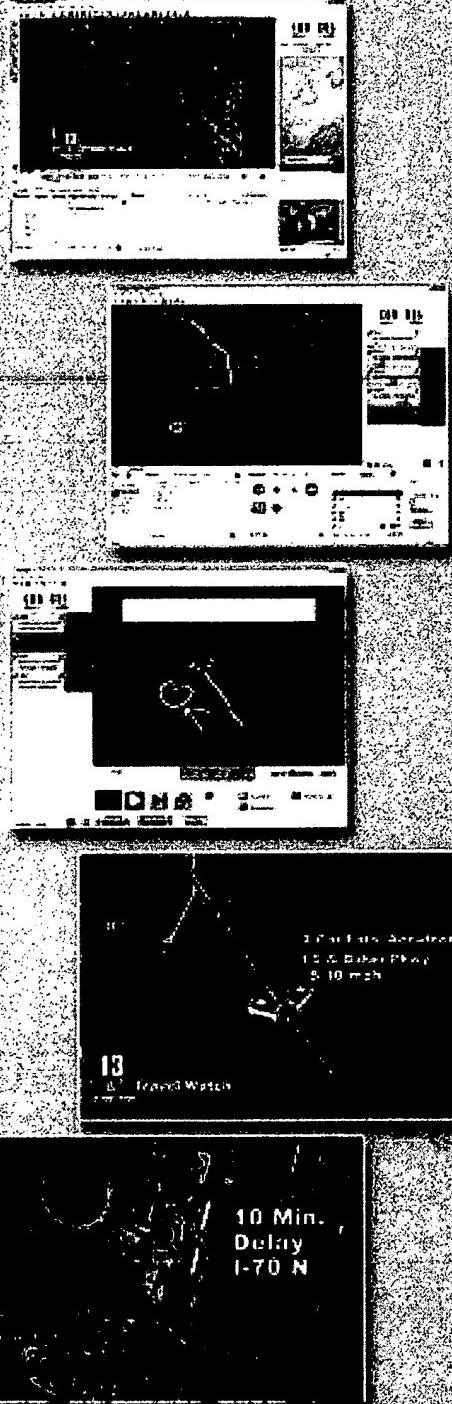
A handwritten signature in black ink, appearing to read "Jonathan K. Agree", is written over a horizontal line. The signature consists of two overlapping ovals and some connecting lines.

## **APPENDIX**

(for "Statement of Jonathan K. Agree in Support of  
Petition to Make Special Because of Actual Infringement"  
U.S. Application No. 10/611,494)

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# Curious World Maps



## Curious Software

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Tel: 44 (0)20 7428 0289

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Tel: 505 988 7143

[info@curious-software.com](mailto:info@curious-software.com)  
[www.curious-software.com](http://www.curious-software.com)

## Curious Traffic Flow

Curious Traffic Flow is the complete dedicated solution for the design, production and on-air presentation of traffic maps for television.

Built on the proven technology and design capabilities of Curious World Maps, Curious Traffic Flow puts the ability to create the highest quality broadcast street maps and animations in the hands of your production team or on-air presenter.

### Design

Your traffic maps can use the full power of Curious World Maps, where your graphics team creates templates specifying exactly how every map will look. It is here that you choose the style of your maps, whether to use aerial or satellite imagery, which level of detailed street data to use, which symbols to make available, and which styles to use for showing different road conditions. You can also create pre-rendered animations or high resolution still maps to make the final production even faster.

If you don't have a graphics department, Curious Software can even create your templates for you.

### Produce

The daily workflow starts in Traffic Producer – a fast, dedicated production platform for the non-graphics professional. You can either receive traffic information from a live data feed, or enter incidents manually. Choose which incidents you want to report, drag the appropriate symbols onto the map, add labels and highlight roads. An automatic selection of speed indicators is provided for road segments. You can search the map by street name, intersection, house numbers or GPS coordinates. Once the data is entered, you can report the news using any number of still or animated views. You can create a map anywhere within your template, produce completely automated animations or use pre-rendered stills or animations.

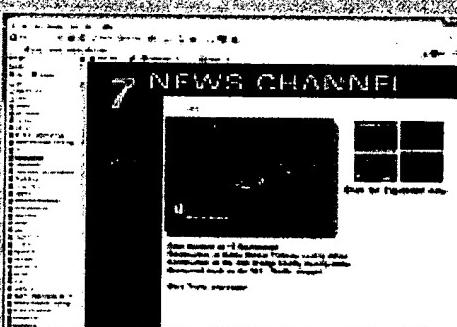
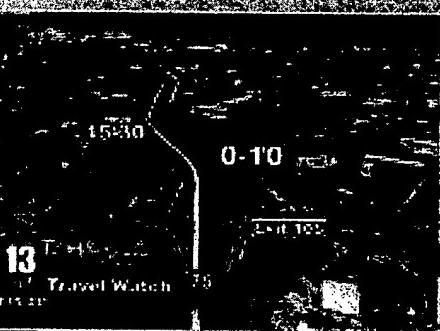
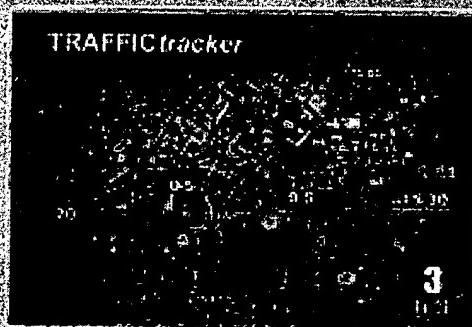
When everything is ready, export the results directly to Map Presenter, and be ready to go on-air.

CURIOUS  
SOFTWARE

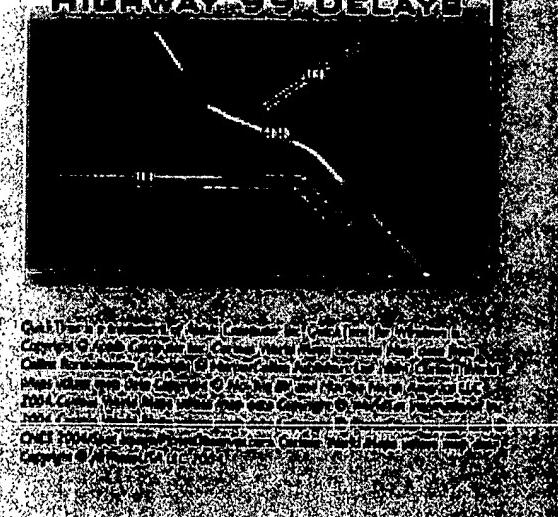
# Curious World Maps

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TRAFFICtracker

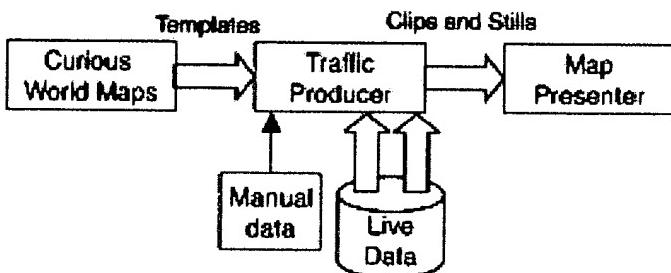


HIGHWAY 99 DELAY



## Present

Curious Map Presenter provides live output to video, under the control of the presenter or studio. Any number of clips can be played and interspersed with live video feeds. An on-screen timing countdown tells you where you are in your broadcast, and you can change order, skip clips, or choose to save time by showing just a still right up to the moment a clip goes to air. You can add telestration live on air to emphasise an incident, or you can record telestration during rehearsal for playback in the broadcast.



## Curious Traffic Flow at a glance

### Value proposition:

- Everything you need to produce your own traffic maps
- Directly links to the industry standard Curious World Maps system

### For your business:

- Regain control of your ad inventory by creating your own traffic programming
- Create incremental revenue through sponsorship of traffic segments
- Extend your brand by using cohesive map elements throughout your news content

### For your creative team:

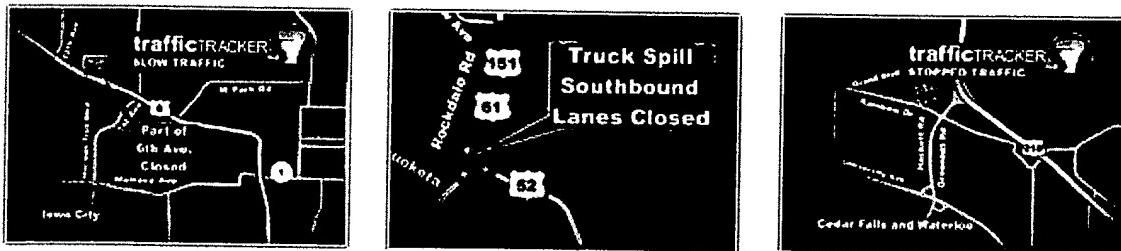
- Works on a standard desk-top (PC and Mac)
- Any style of map created by you or us
- Incorporate satellite or aerial imagery
- Export play list directly to Curious Map Presenter
- Output maps live to air
- Add live or recorded telestration



**CURIOUS**  
SOFTWARE

**Curious Software is using the NAB 2006 platform to showcase its revolutionary new Curious Traffic Flow**

**Traffic Flow combines Curious Traffic Producer and Curious Map Presenter to offer broadcasters a complete solution for the design, production and on-air presentation of their traffic maps.**



Traffic Producer targets the acclaimed mapmaking power of Curious World Maps specifically at illustrating traffic reports. The simple template-driven user interface allows both graphics and non-graphics professionals to quickly focus on the area of interest, add storytelling details and create still or animated maps that are ready for air in a single click.

With Traffic Producer it's easy to create a full rundown of maps illustrating different traffic incidents in a city or area. Features include drag and drop symbols that can be added to the map to illustrate accidents or road blocks, plus the ability to highlight roads to show traffic state. The comprehensive street database can be searched extremely quickly using street names and house numbers, street intersections or GPS co-ordinates. Animation is entirely automatic, created with simple wizards, and the final still or animated maps can be ready for air in seconds.

Completing the Curious Traffic Flow is Map Presenter, an interactive playback system for the control room or studio. A full rundown of stills or animations can be imported from Traffic Producer, or built within the Map Presenter. Video clips can also be incorporated from elsewhere. The order of the rundown can be changed with simple drag and drop operations right up to the moment of broadcast. Play through the rundown can be automatic, or can be programmed to wait for a cue from the presenter before continuing. The presenter can also add live or recorded telestration over the map to illustrate further particular items of interest.

**US broadcasters are enthusiastic in their praise for the new Curious Traffic Flow.**

Among them is KWWL, part of Raycom Media Inc, which broadcasts to audiences in a hyphenated market that includes Cedar Rapids, Waterloo, Iowa City and Dubuque. As well as illustrating news stories with Curious World Maps, KWWL also uses Curious Traffic Flow to create maps for traffic reporting.

Dale R Woods, KWWL's VP/General Manager, says: "Traffic Producer allows KWWL to immediately be on the air with the changes in traffic. Our traffic is more about convenience than time savings and the weather, construction and accidents all play a role in daily changes to the traffic flow. Now, with the latest Traffic Producer, KWWL can illustrate these changes live on air to help the viewer understand better how the new situation will impact on their life. Traffic has been such a successful element to our morning news that we are now doing daily updates for local radio stations. Alongside this, Curious maps in general are such a powerful visual element that KWWL integrates Curious mapping into each newscast."

To see how you too could benefit from Curious Traffic Flow, please visit us at booth **SL1323** at **NAB 2006**.

# # #

If you require high resolution images to illustrate this story, please contact [press@curious-software.com](mailto:press@curious-software.com)

**About Curious Software – a Vizrt Company:**

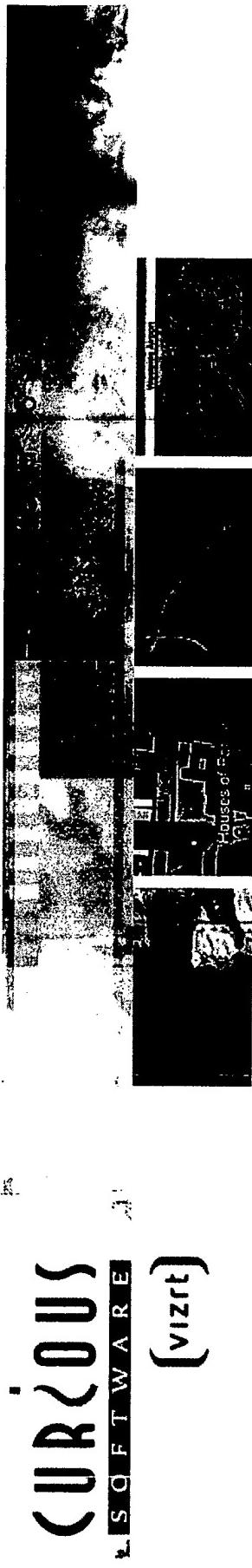
Curious Software is an innovative software company with a great pedigree. Founded in May 1999, our aim is to make the highest quality professional information graphics available to everyone creating content for the television, post-production, Internet and corporate graphics industries. Curious Software products provide all the tools required to create stunning animations and presentations in easy-to-use and affordable packages. Our series of professional products are all based on a generic multi-layered animation engine, designed to accelerate the creation of the highest quality graphics.

In June 2005, Curious Software was acquired by Vizrt Ltd., the world's leading provider of real-time 2D and true 3D broadcast graphics. Vizrt's software suite provides a complete graphics solution including: caption generation, content management and newsroom integration, template graphics, 3D tickers, virtual studio sets, weather forecasts, virtual sports graphics, SMS interactivity and large-scale displays. All Vizrt's graphics products are powered by a single core renderer, the unique and powerful Viz|Engine. Vizrt's graphics systems include highly-customised user interfaces for the designer, operator, journalist and engineer. Leading broadcasters, such as ITN, BBC Sports, Sky Sports, Sky News and CNN, CBS, ZDF, Star TV, TV Today and NHK, use Vizrt's graphics

on a regular basis. Production houses and corporate institutions, including the London Stock Exchange, are Vizrt customers. Vizrt is a public company traded on the Frankfurt Prime Standard: VIZ, ISIN: IL0010838154.

For more information about Curious Software and its products please visit [www.curious-software.com](http://www.curious-software.com) or contact [press@curious-software.com](mailto:press@curious-software.com). For further information about Vizrt, please visit [www.vizrt.com](http://www.vizrt.com)

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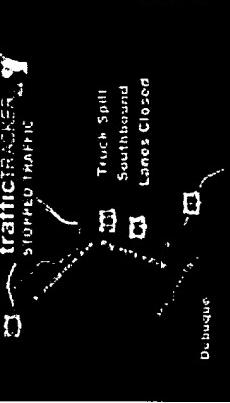
## Curious Software at NAB 2006: Curious Traffic Flow

London, UK - March 2006

Curious Software is using the NAB 2006 platform to showcase its revolutionary new **Curious Traffic Flow**.

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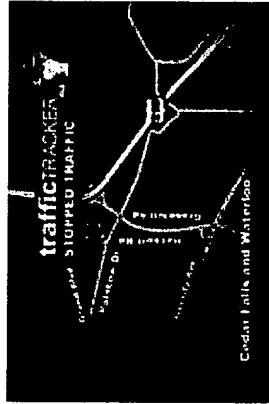
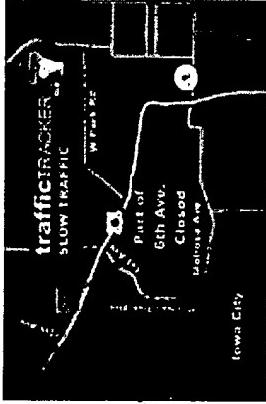
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